

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

v.

LATONIA SMITH,

Defendant.

Case No.: 3:22-cr-00051-RTB-CSD
ORDER APPROVING
**STIPULATION RE: REPORT
ASSESSING LATONIA SMITH'S
COMPETENCY TO STAND
TRIAL**

Defendant Latonia Smith ("Ms. Smith"), by and through her attorney of record, Deputy Federal Public Defenders, Angela C. C. Viramontes and Charles Eaton, and Plaintiff United States of America, by and through its attorney of record Assistant United States Attorney Megan Rachow (together, the "Stipulating Parties"), hereby stipulate to the findings of the Forensic Evaluation of October 16, 2023 ("October Evaluation," Dkt. No. 119). Counsel for Ms. Smith discussed this matter with her on October 19, 2023. Counsel for Ms. Smith discussed this matter with the Government on October 19, 2023.

1. On October 16, 2023, the October Evaluation was written by Clinical Psychologist C. Young Psy.D., and reviewed by Chief Psychologist C. Feliciano, Psy.D. (together, "Evaluating Psychologists"). (*Id.* at 10.)

2. In the October Evaluation, the Evaluating Psychologists noted that while Ms.

1 Smith currently "meets the criteria for a diagnosis of schizoaffective disorder, bipolar type,
 2 multiple episodes, in full remission, it does not appear that the signs or symptoms would
 3 impair her present ability to understand the nature and consequences of the court
 4 proceedings against her or to assist in her defense adequately." (*Id.* at 9.)

5 3. Additionally, the Evaluating Psychologists found that Ms. Smith "has the ability
 6 to understand the nature and consequences of the court proceedings against her and to assist
 7 counsel in her defense appropriately." (*Id.* at 9-10.)


8 4. Based on these findings, Warden M. D. Smith of the Federal Medical Center
 9 (FMC), Carswell stated that "Ms. Smith has the ability to understand the nature and
 10 consequences of the court proceedings against her and to assist counsel in her defense
 11 appropriately." (*See* Dkt. No. 119-1.)

12 5. The Stipulating Parties have agreed to stipulate to the findings and conclusions of
 13 the October Evaluation.

14 Accordingly, based on the stipulating of the parties, the findings of the October
 15 Evaluation (Dkt. No. 119), and the Court's own observations, Latonia Smith requests the
 16 Court find that she is competent to stand trial in this matter.

17
 18 DATED: October 23, 2023


19
 20 CUAUHTEMOC ORTEGA
 21 Federal Public Defender

22 
 23 CHARLES EATON
 24 ANGELA C. C. VIRAMONTES
 25 Deputy Federal Public Defenders

26 
 27 LATONIA SMITH
 28 DEFENDANT

10-20-23
 Date

JASON M. FRIERSON
 United States Attorney

29  (per email
 30 MEGAN RACHOW authorization)
 31 ANDOLYN JOHNSON
 32 Assistant United States Attorneys

1 The Court, having reviewed the October Evaluation, Warden M. D. Smith's
2 certificate of competency and the Stipulation of the parties, hereby finds by a
3 preponderance of the evidence that Ms. Smith has been restored to competency and is
4 competent to stand trial

5 **IT IS SO ORDERED.**

6
7 Dated: October 24, 2023


HON. ROGER T. BENITEZ
United States District Judge